

Regular Session, 2009

HOUSE BILL NO. 887

BY REPRESENTATIVES BARRAS, BOBBY BADON, BALDONE, BILLIOT,  
BURRELL, CHAMPAGNE, GISCLAIR, GUINN, HARDY, HARRISON, SAM  
JONES, MILLS, AND RICHARD

DISTRICTS/SPECIAL: Creates the New Iberia Redevelopment Authority

1 AN ACT

2 To enact Chapter 13-K of Title 33 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 33:4720.181, to create the New Iberia Redevelopment Authority;  
4 to provide for the formation of a program or programs in the city of New Iberia for  
5 the use of appropriate private and public resources to eliminate and prevent the  
6 development or spread of slum, blighted, and distressed areas; to allow the  
7 rehabilitation, clearance, and redevelopment of slum, blighted, and distressed areas;  
8 to provide for the expeditious conversion of blighted or underused property into  
9 habitable residential dwellings in the city of New Iberia; to define the duties,  
10 liabilities, authority, and functions of the redevelopment authority; to authorize  
11 public bodies to furnish funds, services, facilities, and property in aid of  
12 redevelopment projects; and to provide for related matters.

13 Notice of intention to introduce this Act has been published  
14 as provided by Article III, Section 13 of the Constitution of  
15 Louisiana.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Chapter 13-K of Title 33 of the Louisiana Revised Statutes of 1950,  
18 comprised of R.S. 33:4720.181, is hereby enacted to read as follows:

1           CHAPTER 13-K. NEW IBERIA REDEVELOPMENT AUTHORITY

2           §4720.181. New Iberia Redevelopment Authority

3                   A. This Chapter may be referred to as the "New Iberia Redevelopment Law".

4                   B. It is hereby found and declared that:

5                   (1) There exist in the city of New Iberia areas which have become slums,  
6                   blighted, and distressed because of the unsafe, unsanitary, inadequate, or  
7                   overcrowded condition of the structures therein, or because of inadequate planning  
8                   for the area, or because of physically or functionally obsolete structures, or because  
9                   of excessive dwelling unit density, or because of the lack of proper light and air and  
10                  open space, or because of faulty street or lot design, or inadequate public utilities, or  
11                  community services, or because of failure to adequately maintain and repair  
12                  structures, or because of the conversion to incompatible types of land usage, or  
13                  because of environmental conditions and circumstances. Such conditions or a  
14                  combination of some or all of them have and will continue to result in making such  
15                  areas economic and social liabilities.

16                  (2) The prevention and elimination of slum, blighted, and distressed  
17                  properties are matters of public policy and concern, as such areas tend to consume  
18                  a disproportionate amount of city revenues because of the extra services required for  
19                  police, fire, accident, and other forms of public protection, services, and facilities.

20                  (3) The salvage, renewal, redevelopment, and reconstruction of such slum,  
21                  blighted, and distressed areas will promote the public health, safety, morals, and  
22                  welfare of the public.

23                  (4) The powers conferred by this Chapter are for public uses, purposes,  
24                  welfare, and utility for which public money may be expended as necessary and in the  
25                  public's interest. The provisions of this Chapter shall apply for residential,  
26                  recreational, commercial, industrial, or other purposes and otherwise to encourage  
27                  the provision of healthful homes, safe neighborhoods, a decent living environment,  
28                  and adequate places of employment for the people. Such purposes are hereby  
29                  declared as a matter of legislative determination.

1           (5) The object of this Chapter is to provide for the following:

2           (a) The general and economic welfare of the city through housing,  
3           commercial, office, hospitality, recreation, education, infrastructure and utility  
4           capacity, manufacturing, industrial, research, retail, or other activities which will  
5           create or retain jobs, maintain or diversify industry, including new or emerging  
6           technologies, or maintain or increase the tax base.

7           (b) The improvement of conditions of deteriorated physical development,  
8           slow economic growth, and eroded financial health of the public and private sectors.

9           (c) The control, abatement, and prevention of pollution to protect public  
10          health and safety and the development and use of indigenous and renewable energy  
11          resources.

12          (d) Assistance to nonprofit and governmental entities in support of health,  
13          educational, charitable, community, cultural, agricultural, consumer, or other  
14          services benefiting the citizens.

15          C.(1) There is hereby created in the city of New Iberia a body politic and  
16          corporate which shall exist in perpetuity and shall be known as the New Iberia  
17          Redevelopment Authority, referred to in this Chapter as the "authority".

18          (2) The authority shall be a special district created pursuant to Article VI,  
19          Section 19 of the Constitution of Louisiana and political subdivision of the state as  
20          defined in Article VI, Section 44 of the Constitution of Louisiana. The authority,  
21          acting through its governing board, is hereby granted all of the rights, powers,  
22          privileges, and immunities accorded by the laws and the Constitution of Louisiana  
23          to political subdivisions of the state, subject to the limitations provided in this  
24          Chapter.

25          D. The authority, for the purposes of this Chapter, may within its jurisdiction  
26          formulate a workable program or programs for using appropriate private and public  
27          resources to eliminate and prevent the development or spread of slums and blight,  
28          to encourage needed rehabilitation, and to provide for the redevelopment of slum or

1 blighted areas, or to undertake other feasible parochial activities as may be suitably  
2 employed to achieve the objectives of such workable program.

3 E. The authority, to the greatest extent it determines to be feasible in carrying  
4 out the provisions of this Chapter, shall seek out cooperative endeavors, including  
5 partnerships, joint ventures, and equity participation structures, with nonprofit  
6 organizations and private enterprise. The authority shall give consideration to this  
7 objective in exercising the powers granted pursuant to this Chapter.

8 F.(1) The New Iberia Redevelopment Authority shall be comprised of all of  
9 the territory located within the city of New Iberia.

10 (2) The authority shall be activated and implemented by the governing  
11 authority recognizing and confirming the appointment of the initial seven members  
12 of the board.

13 G.(1) The New Iberia Redevelopment Authority shall be governed by a  
14 board of commissioners, referred to in this Chapter as the "board", consisting of  
15 seven members appointed as follows:

16 (a) One member representing the West End Council of Neighborhood  
17 Associations appointed by the governing board of such organization.

18 (b) One member representing the West End Business Association appointed  
19 by the governing board of such organization.

20 (c) One member shall be appointed by the governing board of the Hopkins  
21 Street Economic Development District.

22 (d) One member shall be appointed by the governing board of Southern  
23 Mutual Help Association, Inc.

24 (e) Two members appointed by the mayor of New Iberia.

25 (f) One member appointed by the governing board of the Iberia Economic  
26 Development Authority.

27 (2) All appointments shall be confirmed by the governing authority of the  
28 city of New Iberia.

1           (3) Each appointing authority shall present its initial appointee to the city  
2           governing authority no later than December 31, 2009. Such presentations by the  
3           appointing authorities shall be in writing, shall be made at an official and open  
4           meeting of the city governing authority, and shall include information sufficient to  
5           allow the governing authority to assess the qualifications and fitness of the appointee  
6           for his intended duties. Upon receipt of such presentation, the city governing  
7           authority shall have the right to confirm or reject said appointment. Such  
8           confirmation or rejection shall be made in the manner and under the procedure  
9           prescribed by the governing authority. Regardless of the manner and procedure so  
10          employed, if the governing authority does not reject an appointment within sixty  
11          days after the presentation required by this Paragraph, then the appointment shall be  
12          deemed confirmed.

13           (4) Each board member shall be a citizen of the United States, a domiciliary  
14          of and a qualified voter in the city of New Iberia for at least one year preceding the  
15          date of appointment, and shall remain a domiciliary of and a qualified voter of such  
16          jurisdiction during the entirety of the term of office. Furthermore, each board  
17          member shall be of good character and shall possess some skill, knowledge, or  
18          experience that will prove useful in the accomplishment of the goals of the authority  
19          as set forth in Subsection B of this Section.

20           (5) Each board member shall serve for a term of four years unless removed  
21          for cause by the board as provided in this Chapter or removed for any reason by  
22          authorized action of the appointing authority. Initial terms shall be established in the  
23          bylaws of the authority.

24           (6) The board shall establish rules and requirements relative to the  
25          attendance and participation of members in its meetings, regular or special. Such  
26          rules and regulations may prescribe a procedure whereby, should any member fail  
27          to comply with such rules and regulations, the member may be disqualified and  
28          removed automatically from office by no less than a majority vote of the remaining  
29          members of the board, and that member's position shall be vacant as of the first day

1        of the next calendar month. Any person removed under the provisions of this  
2        Paragraph shall be ineligible for reappointment to the board unless such  
3        reappointment is confirmed unanimously by the board.

4                (7) A vacancy on the board shall be filled in the same manner as the original  
5        appointment. In such cases a majority of the remaining board members may appoint  
6        an interim member to serve until a new member is confirmed.

7                (8) Board members shall serve without compensation, shall have the power  
8        to organize and reorganize the executive, administrative, clerical, and other  
9        departments and forces of the authority and to fix the duties, powers, and  
10       compensation of all employees, agents, and consultants of the authority. The board  
11       may reimburse any member for expenses actually incurred in the performance of  
12       duties on behalf of the authority.

13               (9) The board shall elect yearly from its number a chairman, a vice chairman,  
14       a secretary, and a treasurer and shall establish their duties as may be regulated by  
15       rules adopted by the board. The offices of secretary and treasurer may be held by the  
16       same person. The board may meet in regular session once each month and also shall  
17       meet in special session as convened by the chairman or upon written notice signed  
18       by three members. A majority of the members of the board, not including vacancies,  
19       shall constitute a quorum for the conduct of business.

20               (10) All actions of the board shall be approved by the affirmative vote of a  
21       majority of the members of the board present and voting; however, no action of the  
22       board shall be authorized on the following matters unless approved by a majority of  
23       the total board membership:

24               (a) Adoption of bylaws and other rules and regulations for conduct of the  
25       authority's business.

26               (b) Hiring or firing of any employee or contractor of the authority. This  
27       function may by majority vote be delegated by the board to a specified officer or  
28       committee of the authority, under such terms and conditions and to the extent that  
29       the board may specify.

1           (c) The incurring of debt.

2           (d) Levy of taxes and call for any tax or other election.

3           (e) Adoption or amendment of the annual budget.

4           (f) Sale, lease, encumbrance, or alienation of real property, improvements,  
5 or personal property with an assessed value of more than twenty thousand dollars.

6           (11) Vote by proxy shall not be permitted. Any member may request a  
7 recorded vote on any resolution or action of the authority.

8           (12) The board shall cause minutes and a record to be kept of all its  
9 proceedings. Except as otherwise provided in this Paragraph, the authority shall be  
10 subject to the Public Records Law (Chapter 1 of Title 44 of the Louisiana Revised  
11 Statutes of 1950), the Open Meetings Law (R.S. 42:4.1 et seq.), and the Code of  
12 Governmental Ethics (Chapter 15 of Title 42 of the Louisiana Revised Statutes of  
13 1950). Notwithstanding the provisions of R.S. 42:5, until thirty days prior to the date  
14 the board is scheduled to consummate a final sale or lease of any immovable  
15 property owned by the authority, the board may meet in executive session to discuss  
16 negotiations between the authority and any prospective seller, purchaser, lessor, or  
17 lessee of that property. R.S. 44:31 through 35 shall not apply to any records related  
18 to the negotiations of or to the terms of such a sale or lease until thirty days prior to  
19 the date the board is scheduled to consummate a final sale or lease. The board shall  
20 give written public notice of its intention to consummate a final sale or lease at least  
21 thirty days prior to the date on which the board intends to take such action. This  
22 notice shall comply with the procedural provisions of R.S. 42:7.

23           H. The authority, through the board, shall have all powers necessary or  
24 convenient to carry out and effectuate the purposes and provisions of this Chapter,  
25 including but not limited to the following:

26           (1) To sue and be sued and as such to stand in judgment.

27           (2) To adopt, use, and alter at will a corporate seal.

28           (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold and  
29 use any property, real, personal, mixed, tangible, or intangible, or any interest therein

1 and to engage in any action, such as the purchase of insurance, necessary or desirable  
2 for the maintenance or improvement of such property. The authority shall not have  
3 any power to expropriate, except that power which is granted by the appropriate  
4 governing authority.

5 (4)(a) To sell, lease for a term of up to ninety-nine years, exchange, or  
6 otherwise dispose of or transfer to or with other political subdivisions of this state  
7 or public or private persons at public or private sale any residential, commercial,  
8 industrial, or subdivision land, property, improvements, or portions thereof,  
9 including real property.

10 (b) Prior to any sale, lease, conveyance, disposition, or transfer of property  
11 pursuant to this Paragraph, the authority shall fix the price and terms of the sale,  
12 lease, exchange, or other contract to be made with reference to the property. Such  
13 sale, lease, conveyance, disposition, or transfer shall comply with the terms and  
14 provisions of this Chapter.

15 (c) Any sale of industrial land as defined by Chapter 8 of Title 51 of the  
16 Louisiana Revised Statutes and the statutes referenced therein shall be in accordance  
17 with laws providing for the disposition or transfer of such land.

18 (d) Other than the requirements of this Chapter, no other law limiting or  
19 regulating the form or manner of the sale, lease, conveyance, disposition, or transfer  
20 of property by public bodies, including without limitation R.S. 41:1338, shall apply  
21 to the sale, lease, conveyance, disposition, or transfer of property by the authority.  
22 All such sales, leases, conveyance, dispositions, or transfers of property remain  
23 subject to the limitations imposed by the Constitution of Louisiana.

24 (5) To convey to the United States, the state, or to any political subdivision  
25 of the state any land, property, right-of-way, easement, servitude, or other thing of  
26 value which the authority may own or acquire for use by such governmental entity  
27 pursuant to the terms of any appropriate cooperative endeavor agreement.

28 (6) To make and collect reasonable charges for the use of property of the  
29 authority and for services rendered by the authority and to regulate fees or rentals



1 charged for use of privately owned facilities located on property owned or sold by  
2 the authority when such facilities are offered for use by the public or by a private  
3 industrial, commercial, research, or other economic development entity or activity.

4 (7) To enter into contracts and agreements with public bodies or public or  
5 private entities, including but not limited to contracts for professional, legal, and  
6 other services and for the purchase, lease, acquisition, sale, construction, operation,  
7 maintenance, marketing, and improvement of land, public works, and facilities.

8 (8) To plan, develop, regulate, operate, and maintain activities and planned  
9 land uses to foster creation of new jobs, economic development, industry, health  
10 care, general public and social welfare, commerce, manufacturing, tourism,  
11 relocation of people and businesses to the area, shipbuilding, aviation, military,  
12 warehousing, transportation, offices, recreation, housing development, and  
13 conservation.

14 (9) To make decisions and conduct all activities to meet the triple bottom  
15 line development objectives of equity, economics, and environment.

16 (10) To acquire land and improvements to construct, operate, and maintain  
17 facilities, improvements, and infrastructure, including buildings, roads, bridges,  
18 drainage, and utilities, and to perform other functions and activities on property  
19 owned or leased by the authority to accomplish the objectives and purposes of the  
20 authority. However, the authority is prohibited from constructing, operating, or  
21 maintaining any water, electric, or gas utility facilities which duplicate, curtail,  
22 impair, or directly compete with a regulated water, electric, or gas utility facility  
23 operating in or adjacent to the property owned or leased by the authority.

24 (11) To require and issue licenses.

25 (12) To levy annually and cause to be collected ad valorem taxes, provided  
26 that the amount, term, and purpose of such taxes, as set out in propositions submitted  
27 to a vote in accordance with the Louisiana Election Code, shall be approved by a  
28 majority of the qualified electors of the city voting in an election held for that  
29 purpose.

1           (13)(a) To levy and collect sales and use taxes within the boundaries of the  
2           authority for such purposes and at such rate as provided by the propositions  
3           authorizing their levy, not to exceed in aggregate one percent, which taxes may not  
4           exceed the limitation set forth in the Constitution of Louisiana, provided the  
5           proposition submitted to a vote in accordance with the Louisiana Election Code shall  
6           be approved by a majority of the qualified electors of the city voting in an election  
7           held for that purpose. In submitting a sales tax proposition to a vote, the board may  
8           enter into a cooperative endeavor agreement with the city governing authority  
9           providing for the sales tax to be divided into parts between the city and the authority  
10          for such purposes and in such amounts as may be set forth in the proposition.

11           (b) The tax shall be levied upon the sale at retail, the use, the lease or rental,  
12          the consumption, the distribution, and storage for use or consumption of tangible  
13          personal property, and upon the sales of services within the city, all as defined in  
14          R.S. 47:301 et seq.

15           (c) Except where inapplicable, the procedure established by R.S. 47:301 et  
16          seq. shall be followed in the imposition, collection, and enforcement of the tax, and  
17          procedural details necessary to supplement those Sections and to make them  
18          applicable to the tax herein authorized shall be fixed in the resolution imposing the  
19          tax.

20           (d) The tax shall be imposed and collected uniformly throughout the city.

21           (e) Any tax levied under this Paragraph shall be in addition to all other taxes  
22          which the city or any other political subdivision within the city is now or hereafter  
23          authorized to levy and collect.

24           (14) To develop, activate, construct, exchange, acquire, improve, repair,  
25          operate, maintain, lease, mortgage, sell, and grant a security device affecting the  
26          movable and immovable property, servitudes, facilities, and works within the city  
27          under such terms and conditions as the board may deem necessary or appropriate for  
28          any public purpose, including industrial, residential, subdivision, and commercial  
29          development.

1           (15) To borrow money and to pledge or grant a security device affecting all  
2           or part of its revenues, leases, rents, and other advantages as security for such loans.

3           (16) To appoint officers, agents, and employees, prescribe their duties, and  
4           fix their compensation.

5           (17) To undertake and carry out redevelopment projects and related  
6           activities.

7           (18) To apply for and accept advances, leases, grants, contributions, and any  
8           other form of financial assistance from the federal government, the state, parish, or  
9           other public bodies, or from any sources, public or private, for the purposes of this  
10          Chapter, and to give such security as may be required and to enter into and carry out  
11          contracts or agreements in connection therewith, and to include in any contract for  
12          financial assistance with the federal government such conditions imposed pursuant  
13          to federal laws as the board may deem reasonable and appropriate and which are not  
14          inconsistent with the purposes of this Chapter.

15          (19) To make or have made all surveys and plans necessary to the carrying  
16          out of the purposes of this Chapter and to adopt or approve, modify, and amend such  
17          plans, which plans may include but are not limited to:

18               (a) Plans for carrying out a program of voluntary or compulsory repair and  
19               rehabilitation of buildings and improvements.

20               (b) Plans for the enforcement of state and local laws, codes, and regulations  
21               relating to the use of land and the use and occupancy of buildings and improvements  
22               and to the compulsory repair, rehabilitation, demolition, or removal of buildings and  
23               improvements.

24               (c) Appraisals, title searches, surveys, studies, and other plans and work  
25               necessary to prepare for the undertaking of redevelopment projects and related  
26               activities.

27          (20) To develop, test, and report methods and techniques and carry out  
28          demonstrations and other activities for the prevention and the elimination of slums  
29          and urban blight, including developing and demonstrating new or improved means

1 of providing housing or continuing care, assisted living, or independent living or  
2 other similar type housing for elderly or retired persons or other persons desiring  
3 such housing facilities.

4 (21) To make and from time to time amend and repeal bylaws, orders, rules,  
5 and regulations in order to effectuate the provisions of this Chapter.

6 (22) To exercise all or any part or combination of powers herein granted by  
7 this Chapter.

8 (23) The authority shall not be deemed to be an instrumentality of the state  
9 for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

10 I.(1) The authority may incur debt and issue general obligation bonds under  
11 the authority of and subject to the provisions of Article VI, Section 33 of the  
12 Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of  
13 Title 39 of the Louisiana Revised Statutes of 1950, for the acquisition and operation  
14 of authority property or to carry out the other public purposes of this Chapter, and  
15 to issue any other bonds permitted by law, borrow money, and issue certificates of  
16 indebtedness, notes, and other debt obligations as evidence thereof and provide for  
17 the manner and method of repayment in accordance with law.

18 (2) The authority may issue revenue bonds to finance the undertaking of a  
19 redevelopment project under this Chapter, or otherwise to acquire, purchase, lease,  
20 construct, or improve housing, residential development, subdivision development,  
21 commercial, research, industrial, or other plant sites and buildings, or other capital  
22 improvements authorized in this Chapter, including energy and pollution abatement  
23 and control facilities and necessary property and appurtenances thereto; and may sell,  
24 lease, sublease, or otherwise dispose of by suitable and appropriate contract to any  
25 enterprise locating or existing within the jurisdiction of the authority such sites,  
26 buildings, or facilities and appurtenances thereto, all or severally. The funds derived  
27 from the sale of such bonds may be disbursed in whole or in part upon delivery of  
28 the bonds as shall be provided in the contract between the authority and the

1        residential, commercial, research, industrial, or other enterprise to be aided,  
2        encouraged, or benefited subject to the requirements of this Chapter.

3                (3) The issuing authority may enter into, amend, or terminate, as it  
4        determines to be necessary or appropriate, any ancillary contracts to do either of the  
5        following:

6                (a) Facilitate the issuance, sale, resale, purchase, repurchase, or payments of  
7        bonds, including without limitation bond insurance, letters of credit, and liquidity  
8        facilities.

9                (b) Attempt to hedge risk or achieve a desirable effective interest rate or cash  
10       flow, all subject to the approval of the State Bond Commission.

11               (4) Bonds issued under Paragraph (2) of this Subsection shall be authorized  
12       by resolution of the board and shall be limited obligations of the issuing authority;  
13       the principal and interest, costs of issuance, and other costs incidental thereto shall  
14       be payable solely from the income and revenue derived from the sale, lease, or other  
15       disposition of the project or facility to be financed by the bonds issued under this  
16       Subsection, or from the income and revenue derived from the sale, lease, or other  
17       disposition of any existing project or facility acquired, constructed, and improved  
18       under the provision of this Subsection, or from any source available for such  
19       purpose. However, in the discretion of the issuing authority, the bonds may be  
20       additionally secured by mortgage or other security device covering all or part of the  
21       project from which the revenues so pledged may be derived. Any refunding bonds  
22       issued pursuant to this Subsection shall be payable from any source described above  
23       or from the investment of any of the proceeds of the refunding bonds authorized  
24       under this Subsection and shall not constitute an indebtedness or pledge of the  
25       general credit of the city, as appropriate, or the authority within the meaning of any  
26       constitutional or statutory limitation of indebtedness and shall contain a recital to that  
27       effect. Bonds of the authority issued under this Subsection shall be issued in such  
28       form, shall be in such denominations, shall bear interest, shall mature in such  
29       manner, and be executed by one or more members of the board as provided in the

1        resolution authorizing the issuance thereof. Such bonds may be subject to  
2        redemption at the option of and in the manner determined by the board in the  
3        resolution authorizing the issuance thereof.

4                (5) No bonds or other evidences of indebtedness may be issued under this  
5        Subsection without the prior approval of the State Bond Commission of the terms  
6        and provisions thereof.

7                (6) Bonds issued under this Subsection shall be issued, sold, and delivered  
8        in accordance with the terms and provisions of a resolution adopted by the board.  
9        The board may sell such bonds in such manner, either at public or at private sale, and  
10       for such price as it may determine to be in the best interests of the authority, subject  
11       to the approval of the State Bond Commission. The resolution issuing bonds shall  
12       be published in a newspaper of general circulation within the jurisdiction of the  
13       authority, and for a period of thirty days after said publication, any interested citizen  
14       may bring an action to contest the bonds and the security therefor, as provided in the  
15       Constitution of Louisiana. If, after the expiration of thirty days, no suit has been  
16       filed, the issuance, sale, and security of the bonds shall be incontestable, and no court  
17       shall have authority to entertain any action questioning or contesting such matters.

18               (7) Bonds issued by the authority under this Chapter are deemed to be  
19       securities of public entities within the meaning of Chapters 13 and 13-A of Title 39  
20       of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in  
21       accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised  
22       Statutes of 1950, shall be subject to the refunding provisions of Chapter 14-A of  
23       Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as short-  
24       term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana  
25       Revised Statutes of 1950.

26               (8) No bonds, other debt obligations, or contracts of the authority shall be a  
27       charge upon the income, property, or revenue of the city, nor shall any obligations  
28       of the authority be the obligations of the city.

1           (9) Any bonds issued by the authority shall be subject to the Bond Validation  
2           Law (R.S. 13:5121), pursuant to which the issuance of the bonds may be submitted  
3           to the courts for validation.

4           J.(1) The exercise by the board of the powers conferred by virtue of this  
5           Chapter shall be deemed and held to be an essential governmental function of the  
6           state and parish. As the exercise of the powers granted by this Chapter will be in all  
7           respects for the benefit of the people of the state and city, for the increase of their  
8           commerce and prosperity, and for the improvement of their health and living  
9           conditions, the authority shall not be required to pay any taxes, including but not  
10          limited to sales and use taxes, ad valorem, occupational licensing, income, or any  
11          other taxes of any kind or nature, or fees or assessments upon any property held,  
12          acquired, or used by the authority under the provisions of this Chapter, or upon the  
13          income therefrom. Any bonds, certificates, or other evidences of indebtedness issued  
14          by the authority and the income therefrom shall be exempt from taxation by the state  
15          and by any parish, municipality, or other political subdivision of the state. The  
16          authority shall not be deemed to be a public utility and shall not be subject in any  
17          respect to the authority, control, regulation, or supervision of the Louisiana Public  
18          Service Commission.

19          (2) All property of the authority, including funds owned or held by it for the  
20          purpose of this Chapter, shall be exempt from levy and sale by virtue of an  
21          execution, and no execution or other judicial process shall issue against the same, nor  
22          shall judgment against the city or authority be a charge or lien upon such property;  
23          however, the provisions of this Subsection shall not apply to or limit the right of  
24          obligees to pursue any remedies for the enforcement of any pledge or lien given  
25          pursuant to this Chapter by the authority on its rents, fees, grants, or revenues.

26          K.(1) The authority may purchase adjudicated properties within its territorial  
27          jurisdiction from any political subdivision of the state of Louisiana. No such  
28          purchase shall be construed to or otherwise have the effect of extending or

1 suspending the period prescribed by law for the redemption of the property by the  
2 tax debtor or any other person.

3 (2) In addition to the authority set forth in Subpart B of Part IV of Chapter  
4 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases  
5 by the authority may be in the manner provided for in Chapter 13-A of Title 33 of  
6 the Louisiana Revised Statutes of 1950 or by a direct negotiated purchase and sale  
7 agreement between the authority and a political subdivision without any other  
8 requirement of a public sale prior to the transfer of such properties to the authority.  
9 Such purchases by the authority shall not be considered the sale of surplus property  
10 or of property owned by the political subdivision.

11 (3) Effective upon the recordation of the transfer of an adjudicated property  
12 to the authority pursuant to a purchase and sale agreement, the rights of the authority  
13 in and to such property shall be the rights of a purchaser at a tax sale as contemplated  
14 by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,  
15 subject only to the rights of redemption of the property set forth in Article VII,  
16 Section 25(B) of the Constitution of Louisiana, and the property shall no longer be  
17 deemed to be adjudicated property as of such recordation. For purposes of the right  
18 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the  
19 three-year period commences on the date of the recordation of the initial adjudication  
20 to the political subdivision and not on the date of transfer to the authority.

21 (4) Any such purchase and sale agreement shall set forth the total  
22 consideration to be paid by the authority and the method and timing of payment of  
23 such consideration by the authority.

24 (5) The state and any political subdivision with liens on the property may,  
25 pursuant to intergovernmental agreements with the authority, cancel such liens  
26 contemporaneously with or subject to the transfer of the property to the authority.

27 (6)(a) The authority shall have the right, subject to the provisions of this  
28 Section, to purchase properties at tax sales conducted in accordance with R.S.



1        47:2155 and 2156, and any and all such purchases shall be a purchase pursuant to  
2        R.S. 47:2155 and 2156 and not an adjudication to a political subdivision.

3                (b) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of  
4        the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale  
5        which is a credit bid, consisting of the obligation of the authority to satisfy the  
6        component parts of the bid by payments to the respective political subdivisions and  
7        taxing entities in accordance with intergovernmental agreements between the  
8        authority and such political subdivisions and taxing entities.

9                (c) A bid by the authority at a tax sale for the minimum amount shall take  
10       priority over all other bids for the same quantity of property, except for a higher bid  
11       submitted by a conventional mortgage holder holding a mortgage on the subject  
12       property.

13               L.(1) The authority shall have the power to create and execute  
14       redevelopment or development plans for specified areas within its territorial  
15       jurisdiction. The implementation of all such plans shall not proceed until, to the  
16       extent required by law, the authority has obtained the approval of the local planning  
17       commission or zoning board. In the execution of such a redevelopment plan, the  
18       authority shall have the powers provided in this Subsection. The fact that a certain  
19       power is expressed or implied in this Paragraph as pertinent to the authority's  
20       execution of a redevelopment plan shall not suggest or imply that such power is  
21       otherwise denied to the authority.

22               (2) A redevelopment plan shall include a definition of the redevelopment  
23       area. This area, or any part thereof, may be further designated as a subdistrict of the  
24       authority.

25               (3) The authority may sell, lease, exchange, or otherwise transfer immovable  
26       property or any interest therein acquired by it for residential, recreational,  
27       commercial, industrial, or other uses or for public use, subject to such covenants,

1        conditions, and restrictions, including covenants running with the land, as it may  
2        deem to be necessary or desirable to assist in carrying out the purposes of this  
3        Chapter. The purchasers or lessees and their successors and assigns shall be  
4        obligated to devote such immovable property only to the uses as the authority may  
5        determine to be in the public interest, including the obligation to begin within a  
6        reasonable time any improvements on such immovable property. Such immovable  
7        property or interest shall be sold, leased, exchanged, or otherwise transferred at not  
8        less than its fair value for uses in accordance with the redevelopment or development  
9        plan. In determining the fair value of immovable property for uses in accordance  
10       with the redevelopment or development plans, the authority shall take into account  
11       and give consideration to the use provided in such plan; the restrictions upon and the  
12       covenants, conditions, and obligations assumed by the purchaser or lessee; and the  
13       objectives of such plan. The authority, in any instrument of conveyance to a private  
14       purchaser or lessee, may provide that such purchaser or lessee shall be without power  
15       to sell, lease, exchange, or otherwise transfer the immovable property without the  
16       prior written consent of the authority until such purchaser or lessee has completed  
17       the construction of any and all improvements which he has obligated himself to  
18       construct thereon. Immovable property acquired in accordance with the provisions  
19       of the plan shall be transferred as rapidly as feasible in the public interest, consistent  
20       with the carrying out of the provisions of the project plan. Such plan and any  
21       substantial modification of such plan shall be filed as a public record in the office of  
22       the clerk of the city, and any conveyances, encumbrances, or other contracts may  
23       incorporate the provisions thereof by reference which shall afford notice thereof to  
24       all parties.

25            (4) The authority may dispose of, sell, exchange, or lease immovable  
26       property in a redevelopment area to any private person for the fair market value of  
27       the property as determined by a certified and competent appraiser, or to any private  
28       person pursuant to reasonable competitive bidding procedures as it shall prescribe

1        subject to the provisions set forth in this Paragraph. Such reasonable bidding  
2        procedures must include public notice, by publication once each week for two  
3        consecutive weeks in a newspaper having a general circulation in the community,  
4        inviting proposals from and making available all pertinent information to private  
5        redevelopers or any persons interested in undertaking to redevelop or rehabilitate a  
6        redevelopment area or any part thereof. Such notice shall identify the area, or  
7        portion thereof, and shall state that proposals shall be made by those in interest  
8        within thirty days after publication of such notice, and that such further information  
9        as is available may be obtained at such office as shall be designated in the notice.  
10       The board shall consider all such redevelopment or rehabilitation proposals and the  
11       financial and legal ability of the persons making such proposals to carry them out,  
12       and may negotiate with any persons for proposals for the purchase, lease, or other  
13       transfer of any immovable property acquired by the authority in the redevelopment  
14       area. The board may accept such proposal as it deems to be in the public interest and  
15       in furtherance of the purposes of this Chapter. Such notice, and all contracts to sell,  
16       lease, exchange, or otherwise transfer immovable property under the provisions of  
17       this Chapter, shall be a public record and shall include the name of the redeveloper  
18       or purchaser, together with the names of its officers and principal members or  
19       shareholders and investors and other interested parties, the redeveloper's estimate of  
20       the cost of any residential development and rehabilitations, and the redeveloper's  
21       estimate of rentals and sales prices of any proposed housing involved in such  
22       redevelopment and rehabilitation. Thereafter, the board may execute such contract  
23       in accordance with the provisions of this Chapter and deliver acts of sale, leases, and  
24       other instruments and take all steps necessary to effectuate such contract.

25            (5) The authority may temporarily operate, maintain, or lease real property  
26        acquired by it in a redevelopment area for or in connection with a redevelopment  
27        project pending disposition of the property as authorized in this Chapter for such  
28        uses and purposes as may be deemed desirable even though not in connection with  
29        the redevelopment plan.

1           (6) Any real property within a redevelopment area acquired pursuant to  
2           Subsection K of this Section may be disposed of without regard to the other  
3           provisions of this Chapter. Real property acquired in accordance with the  
4           redevelopment plan may be disposed of to a public body for public reuse without  
5           regard to the provisions of this Subsection.

6           (7) Notwithstanding any other provisions of this Chapter where an area in  
7           the city is designated as a redevelopment area under the Federal Area  
8           Redevelopment Act (Public Law 87-27), or any Act supplementary thereto, land in  
9           a redevelopment project area designated under the redevelopment plan for industrial  
10          or commercial uses may be disposed of to any public body or nonprofit corporation  
11          for subsequent disposition as promptly as practical by the public body or corporation  
12          for redevelopment in accordance with the redevelopment plan, and only the  
13          purchaser from or lessee of the public body or corporation, and their assignees, shall  
14          be required to assume the obligation of beginning the building of improvements  
15          within a reasonable time. Any disposition of land to a public body or corporation  
16          under this Paragraph shall be at its fair value for uses in accordance with the  
17          redevelopment plan.

18          M.(1) The authority may, in the implementation of a redevelopment plan,  
19          create one or more subdistricts to conduct, oversee, or assist in the implementation  
20          of such redevelopment plan. The boundaries of such a subdistrict may include all  
21          or part of the redevelopment area. Such a subdistrict shall have and exercise such  
22          powers and responsibilities as the authority shall specify in the enabling resolution.  
23          The full extent of such powers and responsibilities may include such powers as the  
24          authority itself may exercise, and such other powers as are given to the subdistrict  
25          by this Paragraph or any other law, but any exercise of such powers by the subdistrict  
26          shall be confined solely to the geographical limits of the subdistrict. Such a  
27          subdistrict may be established to exist at the pleasure of the authority, or for any  
28          period of time, or until the happening of any occurrence or occurrences that the  
29          authority may specify.

1           (2) The creation of a subdistrict shall in no instance result in the detachment,  
2           severance, or loss of any power or responsibility granted to the authority by this  
3           Chapter, and within the confines of any subdistrict, the authority shall have full  
4           jurisdiction, concurrent with that of the subdistrict, to exercise said powers and  
5           responsibilities. The fact that a certain power is expressed or implied in this  
6           Paragraph as pertinent to a subdistrict's conduct, overseeing, or assistance in the  
7           implementation of the redevelopment plan shall not suggest or imply that such power  
8           is otherwise denied to the authority; however, the authority and its subdistricts shall  
9           not, collectively, have any greater power to tax than that granted, in the first instance,  
10          to the authority alone.

11           (3) Unless otherwise specified in the resolution or other formal act creating  
12          the subdistrict, the board members of the authority shall constitute the governing  
13          authority of the subdistrict.

14           (4) Unless otherwise specified in the resolution or other formal act creating  
15          the subdistrict, the subdistrict shall be a distinct and separate juridical entity, and the  
16          rights, interests, and liabilities of the subdistrict shall not under any circumstances  
17          be considered those of the authority.

18           (5)(a) In addition to the other powers it may be granted, a subdistrict may  
19          enjoy, within its geographical boundaries, the powers of tax increment financing, the  
20          issuance of revenue bonds, and those other powers that may be exercised by an  
21          economic development district created by a local governmental subdivision pursuant  
22          to R.S. 33:9038.32; however, the subdistrict shall remain subject to all limitations  
23          and reservations applicable to the powers of the authority.

24           (b) Prior to the dedication of any state sales tax increments to be used for an  
25          authorized purpose of a subdistrict, the secretary of the Department of Economic  
26          Development shall submit the proposal to the Joint Legislative Committee on the  
27          Budget for approval. The submittal shall also include a written evaluation and  
28          determination by the department, with input from and certification by the  
29          Department of Revenue, of the anticipated increase in state sales tax revenues to be

1 collected within the state over state sales tax revenues that were collected within the  
2 state in the year immediately prior to the year in which the proposal is submitted to  
3 the committee that would be a direct result of the proposal. In addition, any  
4 cooperative endeavor agreement or other agreement providing for the expenditure  
5 of funds collected by the state as state sales tax increments and dedicated to a project  
6 or for the payment of revenue bonds therefor shall be subject to approval by the State  
7 Bond Commission prior to execution by the state.

8 N. All banks, trust companies, bankers, savings banks and institutions,  
9 building and loan associations, savings and loan associations, investment companies,  
10 and other persons carrying on a banking or investment business; all insurance  
11 companies, insurance associations, and other persons carrying on an insurance  
12 business; and all executors, administrators, curators, trustees, and other fiduciaries  
13 may legally invest any sinking funds, monies, or other funds belonging to them or  
14 within their control in any bonds or other obligations issued by the authority pursuant  
15 to this Chapter. Bonds and other obligations shall be authorized security for all  
16 public deposits. It is the purpose of this Subsection to authorize any public or private  
17 persons, political subdivisions, and officers, public or private, to use any funds  
18 owned or controlled by them for the purchase of any bonds or other obligations.  
19 Nothing contained in this Subsection with regard to legal investments shall be  
20 construed as relieving any persons of any duty of exercising reasonable care in  
21 selecting securities.

22 O. For the purpose of aiding in the planning, undertaking, or carrying out of  
23 a redevelopment or development project and related activities authorized by this  
24 Chapter, any public body may, upon such terms, with or without consideration as it  
25 may determine:

26 (1) Dedicate, sell, convey, or lease any of its interest in any property or grant  
27 easements, licenses, or other rights or privileges therein to the authority.

28 (2) Incur the entire expense of any public improvements made by such  
29 public body.

1           (3) Do any and all things necessary to aid or cooperate in the planning or  
2           carrying out of a redevelopment plan and related activities.

3           (4) Lend, grant, or contribute funds to the authority in accordance with an  
4           appropriate cooperative endeavor agreement and borrow money and apply for and  
5           accept advances, loans, grants, contributions, and any other form of financial  
6           assistance from the federal government, the state, parish, or other public body, or  
7           from any other source.

8           (5) Enter into agreements which may extend over any period,  
9           notwithstanding any provision or rule of law to the contrary, with the federal  
10          government or other public body respecting action to be taken pursuant to any of the  
11          powers granted by this Chapter, including the furnishing of funds or other assistance  
12          in connection with a redevelopment project and related activities.

13          (6) Cause public buildings and public facilities, including parks,  
14          playgrounds, recreational, community, educational, water, sewer, or drainage  
15          facilities, or any other works which it is otherwise empowered to undertake to be  
16          furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or  
17          replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone,  
18          or make exceptions from building regulations.

19          P. Any instrument executed, in proper form and with proper certification of  
20          authority, by the authority purporting to convey any right, title, or interest in any  
21          property under this Chapter shall be conclusively presumed to have been executed  
22          in compliance with provisions of this Chapter insofar as title or other interest of any  
23          bona fide purchasers, lessees, or transferees of the property is concerned.

24          Q. As used in this Chapter, the following terms shall have the meaning  
25          herein ascribed to them.

26          (1) "Bonds" means any bonds, notes, interim certificates, certificates of  
27          indebtedness, debenture, or other obligation.

28          (2) "Federal government" means any department, agency, or instrumentality,  
29          corporate or otherwise, of the United States of America.

1           (3) "Owners of a property interest" means anyone with a corporeal or  
2           incorporeal interest in immovable property filed for record in the conveyance records  
3           or mortgage records of the clerk of court and ex officio recorder of mortgages for the  
4           parish of Iberia where the property is located, including a naked owner, a  
5           usufructuary, a mortgagee, a judgment creditor, or a holder of a personal or predial  
6           servitude.

7           (4) "Public body" means the state and any parish and any board, authority,  
8           agency, district, subdivision, department, or instrumentality, corporate or otherwise,  
9           of the state or any parish.

10           (5) "Real property" or "immovable property" means any and all right, title,  
11           and interest in a tract of land, including its component parts and liens by way of  
12           judgment, mortgage, or otherwise.

13           R. Insofar as the provisions of this Chapter are inconsistent with the  
14           provisions of any other law, the provisions of this Chapter shall be controlling;  
15           however, the authority shall be subject to the provisions of the Local Government  
16           Fair Competition Act, R.S. 45:844.41 et seq. The authority conferred by this Chapter  
17           shall be in addition and supplemental to the powers conferred by any other law.

18           S.(1) In addition to other powers granted to the authority pursuant to this  
19           Chapter, the authority may initiate an expedited quiet title and foreclosure action  
20           under this Subsection to quiet title to immovable property held by the authority,  
21           interests in property purchased by the authority at tax sales, or in formerly  
22           adjudicated properties acquired by the authority from a political subdivision, by  
23           recording with the conveyance records of the clerk of court and ex officio recorder  
24           of mortgages a notice of pending expedited quiet title and foreclosure action. The  
25           notice shall include a legal description of the property; the street address of the  
26           property if available; the name, address, and telephone number of the authority; a  
27           statement that the property is subject to expedited quiet title proceedings and  
28           foreclosure under this Subsection; and a statement that any legal interests in the  
29           property may be extinguished by a district court order vesting title to the property in



1        the authority. The right of redemption from tax sales in Article VII, Section 25(B)  
2        of the Constitution of Louisiana shall be terminated by these proceedings only if the  
3        time period for expiration of the right of redemption has expired. If a notice is  
4        recorded in error, the authority may correct the error by recording a certificate of  
5        correction with the register of conveyances. A notice or certificate under this  
6        Subsection need not be notarized and may be authenticated by a digital signature or  
7        other electronic means. If the authority has reason to believe that a property subject  
8        to an expedited quiet title and foreclosure action under this Subsection may be the  
9        site of environmental contamination, the authority shall provide the Department of  
10       Environmental Quality with any information in the possession of the authority that  
11       suggests the property may be the site of environmental contamination.

12            (2) After recording the notice under Paragraph (1) of this Subsection, the  
13        authority shall initiate a search of records identified in this Paragraph to identify the  
14        owners of a property interest in the property who are entitled to notice of the quiet  
15        title and foreclosure hearing under this Subsection. The authority may enter into a  
16        contract with or may request from one or more authorized representatives a title  
17        search or other title product to identify the owners of a property interest in the  
18        property as required under this Paragraph or to perform the other functions set forth  
19        in this Subsection required for the quieting of title to property. The owner of a  
20        property interest is entitled to notice under this Subsection if that owner's interest  
21        was identifiable by reference to any of the following sources before the date that the  
22        authority records the notice under Paragraph (1) of this Subsection:

23            (a) Land title records in the office of the recorder of mortgages and the  
24        register of conveyances.

25            (b) Tax records in the office of the assessor.

26            (3) The authority may file a single petition with the district court to expedite  
27        foreclosure under this Subsection listing all property subject to expedited foreclosure  
28        by the authority and for which the authority seeks to quiet title. If available to the  
29        authority, the list of properties shall include a legal description of, a tax parcel

1 identification number for, and the street address of each parcel of property. The  
2 petition shall seek a judgment in favor of the authority against each property listed  
3 and shall include a date, within ninety days of filing, on which the authority requests  
4 a hearing on the petition. The petition shall request that a judgment be entered  
5 vesting absolute title in the authority, without right of redemption for each parcel of  
6 property listed, as provided in this Paragraph. Prior to the entry of judgment under  
7 this Paragraph, the authority may request the court to remove property erroneously  
8 included in the petition or any tax delinquent properties redeemed prior to the  
9 hearing.

10 (4) The district court in which a petition is filed under Paragraph (3) of this  
11 Subsection shall immediately set the date, time, and place for a hearing on the  
12 petition for foreclosure. The date shall be set by the court and shall not be more than  
13 ten days after the date requested by the authority in the petition. In no event may the  
14 court schedule the hearing later than ninety days after the filing of a petition by the  
15 authority under Paragraph (3) of this Subsection.

16 (5) After completing the records search under Paragraph (2) of this  
17 Subsection, the authority shall determine the address or addresses reasonably  
18 calculated to inform those owners of a property interest in property subject to  
19 expedited foreclosure under this Subsection of the pendency of the quiet title and  
20 foreclosure hearing under Paragraph (11) of this Subsection. If, after conducting the  
21 title search, the authority is unable to determine an address reasonably calculated to  
22 inform persons with a property interest in property subject to expedited tax  
23 foreclosure, or if the authority discovers a deficiency in notice under this Subsection,  
24 the following shall be considered reasonable steps by the authority to ascertain the  
25 addresses of persons with a property interest in the property subject to expedited  
26 foreclosure or to ascertain an address necessary to correct a deficiency in notice  
27 under this Subsection:

28 (a) For an individual, a search of records of the recorder of mortgages and  
29 the register of conveyances.

1           **(b) For a business entity, a search of business entity records filed with the**  
2           **commercial division of the Department of State.**

3           **(c) For a state or federal chartered depository financial institution, a search**  
4           **of entity records filed with the Louisiana Office of Financial Institutions or with the**  
5           **Federal Deposit Insurance Corporation (FDIC).**

6           **(6) Not less than thirty days before the quiet title and foreclosure hearing**  
7           **under Paragraph (11) of this Subsection, the authority shall send notice by certified**  
8           **mail, return receipt requested, of the hearing to the persons identified under**  
9           **Paragraph (2) of this Subsection who have a property interest in property subject to**  
10           **expedited foreclosure. The authority shall also send a notice via regular mail**  
11           **addressed to the "Occupant" for each property subject to expedited foreclosure if an**  
12           **address for the property is ascertainable.**

13           **(7) Not less than thirty days before the quiet title and foreclosure hearing**  
14           **under Paragraph (11) of this Subsection, the authority or its authorized representative**  
15           **or authorized agent shall visit each parcel of property subject to expedited**  
16           **foreclosure and post on the property conspicuous notice of the hearing. In addition**  
17           **to the requirements of Paragraph (8) of this Subsection, the notice shall also include**  
18           **the following statement: "This Property has been transferred to the New Iberia**  
19           **Redevelopment Authority and is subject to an expedited quiet title and foreclosure**  
20           **action. Persons with information regarding the prior owner of the property are**  
21           **requested to contact the New Iberia Redevelopment Authority".**

22           **(8) The notices required under Paragraphs (6) and (7) of this Subsection shall**  
23           **include:**

24           **(a) The date on which the authority recorded, under Paragraph (1) of this**  
25           **Subsection, notice of the pending expedited quiet title and foreclosure action.**

26           **(b) A statement that a person with a property interest in the property may**  
27           **lose his interest as a result of the quiet title and foreclosure hearing under Paragraph**  
28           **(11) of this Subsection.**

1           (c) A legal description, parcel number of the property, and the street address  
2           of the property, if available.

3           (d) The person to whom the notice is addressed.

4           (e) The date and time of the hearing on the petition for foreclosure under  
5           Paragraph (1) of this Subsection, and a statement that the judgment of the court may  
6           result in title to the property vesting in the authority.

7           (f) An explanation of any rights of redemption and notice that the judgment  
8           of the court may extinguish any ownership interest in or right to redeem the property.

9           (g) The name, address, and telephone number of the authority.

10          (h) A statement that persons with information regarding the owner or prior  
11          owner of any of the properties are requested to contact the authority.

12          (9) If the authority is unable to ascertain the address reasonably calculated  
13          to inform the owners of a property interest entitled to notice under this Section, or  
14          is unable to provide notice under Paragraphs (6) and (7) of this Subsection, the  
15          authority shall provide notice by publication. Prior to the hearing, a notice shall be  
16          published for three successive weeks, once each week, in a newspaper published and  
17          circulated in the city. The published notice shall include all of the following:

18               (a) A legal description, parcel number of the property, and the street address  
19               of the property, if available.

20               (b) The name of any person not notified under Paragraphs (6) and (7) of this  
21               Subsection that the authority reasonably believes may be entitled to notice under this  
22               Section of the quiet title and foreclosure hearing under Paragraph (11) of this  
23               Subsection.

24               (c) A statement that a person with a property interest in the property may  
25               lose his interest as a result of the foreclosure proceeding under Paragraph (11) of this  
26               Subsection.

27               (d) The date and time of the hearing on the petition for foreclosure under  
28               Paragraph (11) of this Subsection.

1           (e) A statement that the judgment of the court may result in title to the  
2 property vesting in the authority.

3           (f) An explanation of any rights of redemption and notice that judgment of  
4 the court may extinguish any ownership interest in or right to redeem the property.

5           (g) The name, address, and telephone number of the authority.

6           (h) A statement that persons with information regarding the owner or prior  
7 owner of any of the properties are requested to contact the authority.

8           (10) If prior to the quiet title and foreclosure hearing under Paragraph (11)  
9 of this Subsection, the authority discovers any deficiency in the provision of notice  
10 under this Subsection, the authority shall take reasonable steps in good faith to  
11 correct the deficiency before the hearing. The provisions of this Subsection relating  
12 to notice of the quiet title and foreclosure hearing are exclusive and exhaustive.  
13 Other requirements relating to notice and proof of service under other law, rule, or  
14 other legal requirement are not applicable to notice or proof of service under this  
15 Subsection.

16           (11) If a petition for expedited quiet title and foreclosure is filed under  
17 Paragraph (3) of this Subsection, before the hearing, the authority shall file with the  
18 clerk of the district court proof of notice by certified mail under Paragraph (6) of this  
19 Subsection, proof of notice by posting on the property under Paragraph (7) of this  
20 Subsection, and proof of notice by publication, if applicable. A person claiming an  
21 interest in a parcel of property set forth in the petition for foreclosure, including a  
22 current holder of a conventional mortgage, who desires to contest that petition shall  
23 file written objections with the clerk of the district court and serve those objections  
24 on the authority before the date of the hearing. A holder of a conventional mortgage  
25 may object to the action and is entitled to a dismissal of the proceedings by the  
26 district court upon a showing that it is the holder of a legally enforceable  
27 conventional mortgage and upon payment of the outstanding amount of any liens,  
28 taxes, and related costs. The district court may appoint and utilize as the court  
29 considers necessary a curator for assistance with the resolution of any objections to

1        the foreclosure or questions regarding the title to property subject to foreclosure. If  
2        the court withholds property from foreclosure, the authority's ability to include the  
3        property in a subsequent petition for expedited quiet title and foreclosure is not  
4        prejudiced. No injunction shall issue to stay an expedited quiet title and foreclosure  
5        action under this Subsection. The district court shall enter judgment on a petition to  
6        quiet title and foreclosure filed under Paragraph (3) of this Subsection not more than  
7        ten days after the conclusion of the hearing or contested case, and the judgment shall  
8        become effective ten days after the conclusion of the hearing or contested case. The  
9        district court's judgment shall specify all of the following:

10            (a) The legal description and, if known, the street address of the property  
11        foreclosed.

12            (b) That title to property foreclosed by the judgment is vested absolutely in  
13        the authority, except as otherwise provided in Paragraphs (3) and (5) of this  
14        Subsection, without any further rights of redemption.

15            (c) That all liens against the property, including any lien for unpaid taxes or  
16        special assessments, are extinguished.

17            (d) That, except as otherwise provided in Subparagraph (e) of this Paragraph,  
18        the authority has good and marketable title to the property.

19            (e) That all existing recorded and unrecorded interests in that property are  
20        extinguished, except a visible or recorded easement or right-of-way or private deed  
21        restrictions.

22            (f) A finding that all persons entitled to notice and an opportunity to be heard  
23        have been provided that notice and opportunity. A person shall be deemed to have  
24        been provided notice and an opportunity to be heard if the authority followed the  
25        procedures for provision of notice by mail, by visits to property subject to expedited  
26        quiet title and foreclosure, and by publication under this Subsection, or if one or  
27        more of the following apply:

1           (i) The person had constructive notice of the hearing by acquiring an interest  
2           in the property after the date of the recording, under Paragraph (1) of this Subsection,  
3           of the notice of pending expedited quiet title and foreclosure action.

4           (ii) The person appeared at the hearing or submitted written objections to the  
5           district court under this Subsection prior to the hearing.

6           (iii) Prior to the hearing under this Paragraph, the person had actual notice  
7           of the hearing.

8           (12) Except as otherwise provided in Subparagraph (11)(e) of this  
9           Subsection, title to property set forth in a petition for foreclosure filed under  
10          Paragraph (3) of this Subsection shall vest absolutely in the authority upon the  
11          effective date of the judgment by the district court, and the authority shall have  
12          absolute title to the property. The authority's title shall not be subject to any  
13          recorded or unrecorded lien, except as provided in Paragraph (11) of this Subsection,  
14          and shall not be stayed or held invalid, except as provided in Paragraph (13) of this  
15          Subsection. A judgment entered under this Subsection is a final order with respect  
16          to the property affected by the judgment and shall not be modified, stayed, or held  
17          invalid after the effective date of the judgment, except as provided in Paragraph (13)  
18          of this Subsection.

19          (13) The authority or a person claiming to have a property interest under  
20          Paragraph (2) of this Subsection in property foreclosed under this Subsection may,  
21          within twenty-one days of the effective date of the judgment under Paragraph (11)  
22          of this Subsection, appeal the district court's order or the district court's judgment  
23          foreclosing property to the court of appeals. The appeal of the judgment shall be  
24          entitled to preference and priority and shall be handled on an expedited basis by the  
25          court of appeal and, if applicable, the Louisiana Supreme Court. In such cases, the  
26          record shall be prepared and filed within fifteen days of the granting of the order of  
27          appeal. The court of appeal shall hear the case within thirty days after the filing of  
28          the appellee's brief. An appeal under this Paragraph is limited to the record of the  
29          proceedings in the district court under this Subsection. The district court's judgment

1        foreclosing property shall be stayed until the court of appeals has reversed, modified,  
2        or affirmed that judgment. If an appeal under this Paragraph stays the district court's  
3        judgment foreclosing property, the district court's judgment is stayed only as to the  
4        property that is the subject of that appeal, and the district court's judgment  
5        foreclosing other property that is not the subject of that appeal is not stayed. To  
6        appeal the district court's judgment foreclosing property, a person appealing the  
7        judgment shall pay to the authority any taxes, interest, penalties, and fees due on the  
8        property and provide notice of the appeal to the authority within twenty-one days  
9        after the district court's judgment becomes effective. If the district court's judgment  
10       foreclosing the property is affirmed on appeal, the amount determined to be due shall  
11       be refunded to the person who appealed the judgment. If the district court's  
12       judgment foreclosing the property is reversed or modified on appeal, the authority  
13       shall refund the amount determined to be due to the person who appealed the  
14       judgment, if any, and forward the balance to the appropriate taxing jurisdictions in  
15       accordance with the order of the court of appeals.

16            (14) The authority shall record a notice of judgment for each parcel of  
17        foreclosed property in the office of the register of conveyances. If the authority  
18        records a notice of judgment in error, the authority may subsequently record a  
19        certificate of correction. A notice or certificate under this Paragraph need not be  
20        notarized and may be authenticated by a digital signature or other electronic means.  
21        After the entry of a judgment foreclosing the property under this Subsection, if the  
22        property has not been transferred by the authority, the authority may cancel the  
23        foreclosure by recording with the register of conveyances a certificate of error, if the  
24        authority discovers any of the following:

25            (a) The description of the property used in the expedited quiet title and  
26        foreclosure proceeding was so indefinite or erroneous that the foreclosure of the  
27        property was void.

28            (b) An owner of an interest in the property entitled to notice of the expedited  
29        quiet title and proceedings against the property under this Subsection was not



1 provided notice sufficient to satisfy the minimum due process requirements of the  
2 Constitution of Louisiana and the Constitution of the United States.

3 (c) A judgment of foreclosure was entered under this Subsection in violation  
4 of an order issued by a United States bankruptcy court.

5 (15) If a judgment of foreclosure is entered under Paragraph (11) of this  
6 Subsection, and all existing recorded and unrecorded interests in a parcel of property  
7 are extinguished as provided in Paragraph (11) of this Subsection, the owner of any  
8 extinguished recorded or unrecorded interest in that property who claims that he did  
9 not receive notice of the expedited quiet title and foreclosure action shall not bring  
10 an action for possession of the property against any subsequent owner but may bring  
11 an action only to recover monetary damages from the authority as provided in this  
12 Paragraph. The district court has original and exclusive jurisdiction in any action to  
13 recover monetary damages under this Paragraph. An action to recover monetary  
14 damages under this Paragraph shall not be brought more than two years after a  
15 judgment for foreclosure is entered under Paragraph (11) of this Subsection. Any  
16 monetary damages recoverable under this Paragraph shall be determined as of the  
17 date a judgment for foreclosure is entered under Paragraph (11) of this Subsection  
18 and shall not exceed the fair market value of the interest in the property held by the  
19 person bringing the action under this Subsection on that date, less any taxes, interest,  
20 penalties, and fees owed on the property as of that date. The right to sue for  
21 monetary damages under this Paragraph shall not be transferable except by testate  
22 or intestate succession.

23 (16) The owner of a property interest with notice of the quiet title and  
24 foreclosure hearing under Paragraph (11) of this Subsection may not assert any of  
25 the following:

26 (a) That notice to the owner was insufficient or inadequate in any way  
27 because some other owner of a property interest in the property was not notified.

28 (b) That any right to redeem tax reverted property was extended in any way  
29 because some other person was not notified.

1           (17) A person holding or formerly holding an interest in tax reverted  
2           property subject to expedited foreclosure under this Subsection is barred from  
3           questioning the validity of the expedited foreclosure under this Subsection.

4           (18) The failure of the authority to comply with any provision of this  
5           Subsection shall not invalidate any proceeding under this Subsection if a person with  
6           a property interest in property subject to foreclosure was accorded the minimum due  
7           process required under the Constitution of Louisiana and the Constitution of the  
8           United States.

9           (19) It is the intent of the legislature that the provisions of this Subsection  
10          relating to the expedited quiet title and foreclosure of property by the authority  
11          satisfy the minimum requirements of due process required under the Constitution of  
12          Louisiana and the Constitution of the United States but that the provisions do not  
13          create new rights beyond those required under the Constitution of Louisiana or the  
14          Constitution of the United States. The failure of the authority to follow a  
15          requirement of this Section relating to the expedited quiet title and foreclosure of  
16          property held by the authority shall not be construed to create a claim or cause of  
17          action against the authority unless the minimum requirements of due process  
18          accorded under the Constitution of Louisiana or the Constitution of the United States  
19          are violated.

20          (20) As used in this Subsection, "authorized representative" includes one or  
21          more of the following:

22               (a) A title insurance company or agent licensed to conduct business in this  
23               state.

24               (b) An attorney licensed to practice law in this state.

25               (c) A person accredited in land title search procedures by a nationally  
26               recognized organization in the field of land title searching.

27               (d) A person with demonstrated experience in the field of searching land title  
28               records, as determined by the authority.

1                    (21) As used in this Subsection, "district court" shall mean the Sixteenth  
 2                    Judicial District Court.

3                    Section 2. This Act shall become effective upon signature by the governor or, if not  
 4 signed by the governor, upon expiration of the time for bills to become law without signature  
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 7 effective on the day following such approval.

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### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Barras

HB No. 887

**Abstract:** Creates the New Iberia Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Defines the duties, liabilities, authority, and functions of such redevelopment authority, including the power to levy ad valorem taxes and sales and use taxes.

Proposed law creates and provides for the New Iberia Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of the territory in the city of New Iberia. Provides that the authority shall be activated and implemented by the city governing authority recognizing and confirming the appointment of the initial seven members of the board.

Proposed law provides that the New Iberia Redevelopment Authority shall be governed by a seven-member board of commissioners, referred to as the "board" in proposed law, appointed as follows:

- (1) One member representing the West End Council of Neighborhood Associations appointed by the governing board of such organization.
- (2) One member representing the West End Business Association appointed by the governing board of such organization.
- (3) One member appointed by the governing board of the Hopkins Street Economic Development District.
- (4) One member appointed by the governing board of Southern Mutual Help Association, Inc.
- (5) Two members appointed by the mayor of New Iberia.
- (6) One member appointed by the governing board of the Iberia Economic Development Authority.

Proposed law requires that all appointments be confirmed by the governing authority of the city of New Iberia. Requires the appointing authority to present its initial appointees to the appropriate governing authority no later than Dec. 31, 2009. Provides that the governing authority shall have the right to confirm or reject the appointment. Provides that such confirmation or rejection shall be made in the manner and under the procedure prescribed by the governing authority. Provides that if the governing authority does not reject the appointment within 60 days after the presentation, then the appointment shall be deemed confirmed.

Proposed law requires that each board member be a citizen of the U.S., a domiciliary of and a qualified voter in the city of New Iberia for at least one year preceding the date of appointment, and shall remain a domiciliary of and a qualified voter of such jurisdiction during the entirety of the term of office. Additionally requires that each board member be of good character and possess some skill, knowledge, or experience that will prove useful in the accomplishment of the goals of the authority.

Proposed law provides that each board member shall serve at the pleasure of the appropriate appointing authority for a term of four years, unless and until removed for cause by the board or removed for any reason by authorized action of the appointing authority. Provides that initial terms of the board members shall be provided in the bylaws of the authority.

Proposed law requires members of the board to serve without compensation, but authorizes the board to reimburse any member for expenses actually incurred in the performance of duties on behalf of the authority.

Proposed law provides that all actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. Provides however, that no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the authority's business.
- (2) Hiring or firing of any employee or contractor of the authority. Provides that this function may by majority vote be delegated by the board to a specified officer or committee of the authority, under such terms and conditions, and to the extent, that the board may specify.
- (3) The incurring of debt.
- (4) Levy of taxes and call for any tax or other election.
- (5) Adoption or amendment of the annual budget.
- (6) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with an assessed value of more than \$20,000.

Proposed law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives and purposes, including but not limited to the following:

- (1) To sue and be sued and as such to stand in judgment.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, hold, and use any property. Provides that the authority shall not have any power to expropriate, except that power which is granted by the appropriate governing authority.

- (4) To convey to the U.S., the state, or to any political subdivision of the state any property or other thing of value for use by the governmental entity to accomplish the objectives and purposes of the authority, pursuant to the terms of any appropriate cooperative endeavor agreement.
- (5) To make and collect reasonable charges for the use of property of the authority and for services rendered by the authority and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (6) To require and issue licenses.
- (7) To levy annually an ad valorem tax and sales and use tax subject to voter approval.
- (8) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.
- (9) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law provides that the authority shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law authorizes the authority to incur debt and issue general obligation bonds under the authority of and subject to the provisions of state law for the acquisition and operation of authority property. Additionally authorizes the authority to issue any other bonds permitted by law, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment in accordance with law.

Proposed law authorizes the authority to issue revenue bonds to finance the undertaking of a redevelopment project, or otherwise to acquire, purchase, lease, construct, or improve housing, residential development, subdivision development, commercial, research, industrial, or other plant sites and buildings, or other capital improvements. Authorizes the authority to enter into, amend, or terminate, as it determines to be necessary or appropriate, any ancillary contracts for certain purposes.

Proposed law provides that the authority shall not be required to pay any taxes. Provides that any bonds, certificates, or other evidences of indebtedness issued by the authority and the income therefrom shall be exempt from taxation by the state and by any parish, municipality, or other political subdivision of the state.

Proposed law authorizes the authority to purchase adjudicated properties within its jurisdiction from any political subdivision of the state. Provides that no such purchase shall be construed to, or otherwise have the effect of, extending or suspending the period prescribed by law for the redemption of the property by the tax debtor or any other person.

Proposed law provides that the authority shall have the power to create and execute redevelopment or development plans for specified areas within its jurisdiction. Provides that the implementation of all such plans shall not proceed until, to the extent required by law, the authority has obtained the approval of the local planning commission or zoning board. Provides that a redevelopment plan shall include a definition of the redevelopment area. Provides that the area, or any part thereof, may be further designated as a subdistrict of the authority.

Proposed law authorizes the authority to sell, lease, or otherwise transfer immovable property or any interest therein acquired by it in redevelopment areas for residential,

recreational, commercial, industrial, or other uses or for public use, in accordance with the redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to provide for the elimination thereof or to otherwise carry out the purposes of proposed law.

Proposed law authorizes the authority to dispose of, sell, or lease immovable property in a redevelopment area to any private person for the fair market value of the property as determined by a certified and competent appraiser, or to any private person pursuant to reasonable competitive bidding procedures as it shall prescribe subject to the provisions of proposed law. Requires public notice of such bidding procedures.

Proposed law authorizes the authority to temporarily operate, maintain, or lease real property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property for such uses and purposes as may be deemed desirable even though not in connection with the redevelopment plan.

Proposed law provides that any real property within a redevelopment area may be disposed of without regard to the provisions of proposed law. Provides that real property acquired in accordance with a redevelopment plan may be disposed of to a public body for public reuse without regard to the provisions of proposed law.

Proposed law provides that where an area in the city is designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27), or any act supplementary thereto, land in a redevelopment project area designated under the redevelopment plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practical by the public body or corporation for redevelopment in accordance with the redevelopment plan.

Proposed law authorizes the authority to, in the implementation of a redevelopment plan, create a subdistrict(s) to conduct, oversee, or assist in the implementation of such redevelopment plan. Provides that the boundaries of such a subdistrict may include all or part of the redevelopment area and provides that such a subdistrict shall have and exercise such powers and responsibilities as the authority shall specify in the enabling resolution. Provides that unless otherwise specified in the resolution or other formal act creating the subdistrict, the board members of the authority shall constitute the governing authority of the subdistrict.

Proposed law provides that the creation of a subdistrict shall in no instance result in the detachment, severance, or loss of any power or responsibility granted to the authority by and within the confines of any subdistrict the authority shall have full jurisdiction, concurrent with that of the subdistrict, to exercise said powers and responsibilities. Provides that the board members of the authority shall be the governing authority of the subdistrict.

Proposed law provides that in addition to the other powers it may be granted, a subdistrict may enjoy, within its geographical boundaries, the powers of tax increment financing, the issuance of revenue bonds, and those other powers that may be exercised by an economic development district created by a local governmental subdivision pursuant to present law (R.S. 33:9038.2).

Proposed law provides that all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority.

Proposed law provides that bonds and other obligations shall be authorized security for all public deposits. Provides that it is the purpose of proposed law to authorize any public or private persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any bonds or other obligations. Provides that nothing contained in proposed law with regard to legal investments shall be construed as relieving any persons of any duty of exercising reasonable care in selecting securities.

Proposed law provides that any instrument executed, in proper form and with proper certification of authority, by an authority purporting to convey any right, title, or interest in any property pursuant to proposed law shall be conclusively presumed to have been executed in compliance with provisions of proposed law insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Proposed law provides that insofar as the provisions of proposed law are inconsistent with the provisions of any other law, the provisions of proposed law shall be controlling. Provides however, that the authority shall be subject to the provisions of the Local Government Fair Competition Act, R.S. 45:844.41 et seq. Additionally provides that the authority conferred by proposed law shall be in addition and supplemental to the powers conferred by any other law.

Proposed law further provides for an expedited procedure to enable the authority to more efficiently quiet title and initiate a foreclosure action regarding immovable property acquired by the authority.

Proposed law requires the authority to file a notice with the clerk of court regarding the property it is attempting to seize. Requires that the notice include the legal description of the property, the street address of the property (if any), the name, address, and telephone number of the authority, a statement that the property is subject to expedited quiet title proceeding and foreclosure, and a statement that any legal interests in the property may be extinguished by a district court order vesting title to the property in the authority. Provides for additional procedures if there is a deficiency in the notice.

Proposed law requires the authority, if it has reason to believe that a property subject to an expedited quiet title proceeding and foreclosure may be the site of environmental contamination, to provide the Dept. of Environmental Quality with any information in the possession of the authority that suggests such is the case.

Proposed law requires the authority, after recording the notice, to initiate a records search in order to determine the owners who have any interest in the property subject to the expedited procedure. Authorizes the authority to enter into a contract with or request from one or more authorized representatives a title search or other title product to identify the owners of a property interest. Provides that the owner of a property interest is entitled to notice under proposed law if that owner's interest was identifiable by reference to any of the following sources before the date that the authority records the notice:

- (1) Land title records in the office of the recorder of mortgages and the register of conveyances.
- (2) Tax records in the office of the assessor.

Proposed law authorizes the authority to file a single petition with the district court which lists all of the property subject to expedited foreclosure. Requires the authority to request a hearing on the petition within 90 days seeking a judgment in favor of the authority against each property, without the right of redemption. Requires the clerk of the district court to immediately set the date, time, and place for the hearing not more than 10 days after the date requested by the authority in the petition.

Proposed law requires the authority to send notice of the hearing, not less than 30 days prior, by certified mail to any person identified as having an interest in the property subject to the expedited foreclosure proceeding. Requires the authority to also send notice via regular mail addressed to "Occupant" to each property subject to expedited foreclosure.

Proposed law further requires the authority, or its authorized representative, to post a written notice on each property at least 30 days prior to the expedited foreclosure hearing. Requires that each notice include specified information.

Proposed law requires the authority, if it is unable to provide the appropriate notice, to provide notice through publication for three consecutive weeks prior to the hearing on the matter in a newspaper published and circulated in the city of New Iberia.

Proposed law requires the authority to file proof of the notice required by proposed law, proof of notice by posting on the property, if applicable, and proof of notice by publication, if applicable, with the clerk of the district court prior to the hearing. Requires any person who has an interest in the property subject to the expedited foreclosure to file written objections with the clerk and serve those objections on the authority prior to the hearing.

Proposed law requires the district court to enter judgment on the petition not more than 10 days following the conclusion of the hearing or contested case. Requires the judgment to specify certain information.

Proposed law provides that except as otherwise provided in proposed law, title to property set forth in a petition for foreclosure shall vest absolutely in the authority upon the effective date of the judgment by the district court. Provides that the authority shall have absolute title to the property and the title is not subject to any recorded or unrecorded lien, except as otherwise provided in proposed law and shall not be stayed or held invalid except as otherwise provided in proposed law. Provides that a judgment is a final order with respect to the property affected by the judgment and shall not be modified, stayed, or held invalid after the effective date of the judgment, except as otherwise provided in proposed law.

Proposed law provides that any person with an interest in the foreclosed property may appeal the district court's order or district court's judgment within 21 days following the effective date of the judgment. Provides that the appeal of the judgment shall be entitled to preference and priority and handled on an expedited basis by the court of appeal and, if applicable, the La. Supreme Court. Provides that in such cases, the record shall be prepared and filed within 15 days of the granting of the order of appeal. Requires the court of appeal to hear the case within 30 days after the filing of the appellee's brief. Further provides that an appeal is limited to the record of the proceedings in the district court. Provides that the district court's judgment foreclosing property shall be stayed until the court of appeals has reversed, modified, or affirmed that judgment.

Proposed law provides that if an appeal stays the district court's judgment foreclosing property, the district court's judgment is stayed only as to the property that is the subject of that appeal. Provides that the district court's judgment foreclosing other property that is not the subject of that appeal is not stayed. Requires a person appealing the judgment to pay to the authority any taxes, interest, penalties, and fees due on the property and to provide notice of the appeal to the authority within 21 days after the district court's judgment is effective. Provides that if the district court's judgment foreclosing the property is affirmed on appeal, the amount determined to be due shall be refunded to the person who appealed the judgment. Provides that if the district court's judgment foreclosing the property is reversed or modified on appeal, the authority shall refund the amount determined to be due to the person who appealed the judgment, if any, and forward the balance to the appropriate taxing jurisdictions in accordance with the order of the court of appeals.

Proposed law provides that it is the intent of the legislature that the provisions of proposed law relating to the expedited quiet title and foreclosure of property by the authority satisfy



the minimum requirements of due process required under the state constitution and the U.S. Constitution. Provides that the provisions do not create new rights beyond those required under the state constitution or the U.S. Constitution. Provides that the failure of the authority to follow a requirement of proposed law shall not be construed to create a claim or cause of action against the authority unless the minimum requirements of due process accorded under the state constitution or the U.S. Constitution are violated.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:4720.181)